

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1188 of 2019**

Dr. Anit Kumar Jaiswal, S/o. Late Ghanshyam Das Jaiswal, Aged About 38 Years, R/o. Ward No. 6, Near Little Rose School, Pathalgaon, District Jashpur Chhattisgarh.

----Applicant***Versus***

State Of Chhattisgarh, Through : Police Station -Kabeerdham, District Kabeerdham Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate

For Respondent/State : Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/08/2019**

1. Apprehending arrest in connection with Crime No.213/2019, registered at Police Station – Kabeerdham, District – Kabeerdham (C.G.) for offence punishable under Section 495, 498 (A) of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant regarding commission of offence as alleged. Totally false complaint has been lodged by the complainant on 23.03.2019 making allegation of demand of dowry etc. In fact, the applicant and his wife the complainant had some matrimonial dispute, which could not be settled, therefore, the complainant left

the applicant on 05.12.2018 and lodged this first complaint in the police station, in which, there is nothing reflected regarding demand of dowry and subsequent complaint filed on 23.03.2019, again there is no mention of demand of dowry and cruel treatment, therefore, the FIR lodged is baseless. Similarly placed co-accused persons have been granted anticipatory bail by this Court. Therefore, it is prayed that this applicant may also be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. In the present FIR lodged, it is alleged that after the marriage of this applicant with complainant Mohisha Gupta, who used to work in the clinic of her husband. She was not given any money or pocket money for her expenses and all the finances were controlled by the applicant and family members of the applicant, therefore, dispute arose. It is alleged in the FIR that the applicant and in-laws of the complainant used to pressurize her to transfer one house that was under the ownership of the complainant, which was situated in Bilaspur. Further there was further allegation that this applicant was making demand of Rs.5.00 lakhs from the complainant and has also concealed this fact that he was already married and earlier marriage was not dissolved in accordance with the law.
6. Considered the submissions made and the contents of the case diary. On perusal of the contents of the case diary, it appears that

first and second written complaint made by the complainant did not disclose about any demand of dowry, however, there is a statement that there had been some financial dispute between the applicant and the complainant. The offence under Section 495 of I.P.C. is bailable, therefore, after over all consideration of all the facts and circumstances of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram